

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

MITCHELL MEJIA - PUBLIC HEARING
1559 Route 9W
Marlboro, New York 12542
SBL #103.3-4-44

-----X

DATE: November 14, 2024

TIME: 6:00 P.M.

PLACE: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS:

JEFF MEKEEL, CHAIRMAN
GEORGE SALINOVICH
ANDREW NIKOLA
LARRY BARTOLOTTI
LENNY CONN, Absent

ALSO PRESENT:

CHRISTOPHER TERRIZZI, CM TERRIZZI
ENGINEERING, PLLC
JEN FLYNN, Zoning Board
Secretary

-----X

LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
(845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 MITCHELL MEJIA - PUBLIC HEARING

2 CHAIRMAN MEKEEL: Let's stand for
3 the pledge.

4 (Pledge of Allegiance.)

5 CHAIRMAN MEKEEL: We're going to
6 start with the approval of the minutes
7 from October 10, 2024. Did everybody
8 have an opportunity to go through them?

9 MR. SALINOVICH: Yes.

10 MR. BARTOLOTTI: Yes.

11 MR. NIKOLA: Yes.

12 CHAIRMAN MEKEEL: Any comments?

13 MR. SALINOVICH: No.

14 MR. BARTOLOTTI: No.

15 MR. NIKOLA: No.

16 CHAIRMAN MEKEEL: Can I have a
17 motion to approve those minutes?

18 MR. BARTOLOTTI: I will make a
19 motion to approve the minutes.

20 MR. NIKOLA: Second.

21 CHAIRMAN MEKEEL: All of those for
22 it say aye.

23 MR. SALINOVICH: Aye.

24 MR. BARTOLOTTI: Aye.

25 MR. NIKOLA: Aye.

1 MITCHELL MEJIA - PUBLIC HEARING

2 CHAIRMAN MEKEEL: And aye. Let's
3 move on to the next. So, I'm going to
4 start out with the Marlboro Resort
5 Lattintown project. They're not going
6 to be at the public hearing tonight.
7 They have withdrew their zoning
8 application. They don't need it no
9 longer. They're going to be taking the
10 building down. So, that is off the
11 list tonight.

12 Second on the list, we have
13 Mitchell Mejia. We have this as an
14 area variance for front yard 5-foot,
15 and a side yard 3-foot. Could you step
16 up and --

17 MR. TERRIZZI: Do you want the
18 whole spiel about what we're looking
19 for?

20 CHAIRMAN MEKEEL: Yeah, you could
21 do it briefly, if you could. Oh, we
22 need to read the legal notice prior to
23 starting.

24 MR. NIKOLA: Town of Marlboro
25 Zoning Board of Appeals, legal notice,

MITCHELL MEJIA - PUBLIC HEARING

please take notice that a public hearing will be held by the Town of Marlborough Zoning Board of Appeals, further known as ZBA at the town hall, 21 Milton Turnpike, Milton, New York, on November 14th, 2024, at 6:00 P.M. or soon thereafter as may be heard. The owner applicant Mitchell Mejia is seeking relief from Town of Marlborough Code 155, Attachment 2, Schedule 1, by way of a 3-foot side yard setback area variance and a 5-foot front yard setback area variance. Location: 1559 Route 9W, Marlboro, New York 12542. Tax parcel: Section 103.3. Block 4. Lot 44. Any interested parties either before or against this application will have the opportunity to be heard at this time. Lenny Conn, Chairman, Town of Marlborough Zoning Board of Appeals. Thank you.

MS. FLYNN: How many notices went out and came back?

CHAIRMAN MEKEEL: Did you have a

1 MITCHELL MEJIA - PUBLIC HEARING

2 chance to send your notices?

3 MR. TERRIZZI: Yeah, 22 went out,
4 and 17 came back and 2 came back return
5 to sender.

6 CHAIRMAN MEKEEL: Thank you.
7 Okay, now we will open the public
8 hearing. And you can briefly give us
9 your plan.

10 MR. TERRIZZI: Do you need me to
11 go over the spiel again?

12 CHAIRMAN MEKEEL: No, just what
13 you submitted to us.

14 MR. TERRIZZI: Okay, yeah, we're
15 basically just seeking the 5 and 3-foot
16 variances for the yard. This parcel is
17 before the planning board for a
18 subdivision and the zone variances were
19 part of the subdivision approval
20 process and that's what we're kind of
21 going through still and I guess that is
22 why we're were here.

23 CHAIRMAN MEKEEL: Okay. Is there
24 anybody from the public that wants to
25 speak on this?

1 MITCHELL MEJIA - PUBLIC HEARING

2 (No audible response.)

3 CHAIRMAN MEKEEL: No? Okay. Does
4 anyone have any questions?

5 MR. NIKOLA: I have no questions.

6 MR. BARTOLOTTI: No questions.

7 CHAIRMAN MEKEEL: Do you have any,
8 George?

9 MR. SALINOVICH: No.

10 CHAIRMAN MEKEEL: At this time, we
11 will close the public hearing. Do we
12 have a motion to approve it?

13 MR. SALINOVICH: I will make a
14 motion.

15 MR. BARTOLOTTI: Second.

16 CHAIRMAN MEKEEL: Okay. Do you
17 want to read what we have?

18 MR. NIKOLA: I will make a motion
19 to approve for Mitchell Mejia to
20 receive variance relief by way of the
21 3-foot side yard setback in a 5-foot
22 front yard area variance.

23 CHAIRMAN MEKEEL: Okay. All for
24 it?

25 MR. SALINOVICH: Aye.

1 MITCHELL MEJIA - PUBLIC HEARING

2 MR. BARTOLOTTI: Aye.

3 MR. NIKOLA: Aye.

4 CHAIRMAN MEKEEL: And aye. Thank
5 you.

6 MR. TERRIZZI: Thank you. So the
7 next step for me?

8 MR. FLYNN: I will have the letter
9 and whatever updated material that you
10 have for the planning board has to be
11 in by the 22nd for the December 2nd
12 meeting.

13 MR. TERRIZZI: Okay.

14 (Whereupon, an off-the-record
15 discussion was held.)

16 CHAIRMAN MEKEEL: Next up is
17 Michael DiViesti. He is not present at
18 the --

19 MR. FLYNN: I'm sorry, there will
20 be, because he had to mail out his
21 mailings.

22 CHAIRMAN MEKEEL: We are going to
23 jump over to the Jerrico Holdings
24 project. First off, I have to close
25 the public hearing.

1 MITCHELL MEJIA - PUBLIC HEARING

2 MR. FLYNN: No, you can't close
3 it.

4 CHAIRMAN MEKEEL: Oh, I'm sorry,
5 we have to keep the public hearing open
6 for this one.

7 (Whereupon, at 6:07 P.M., the
8 Hearing was adjourned.)

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MITCHELL MEJIA - PUBLIC HEARING

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ULSTER)

I, LISA M. ROSSO, a Notary Public for
and within the State of New York, do hereby
certify:

That I was authorized to and did
stenographically report the foregoing
proceedings, and that the transcript is a
true record.

I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 5th day of December 2024.

LISA M. ROSSO

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH ZONING BOARD

-----X

In the Matter of

JERRICO HOLDINGS
32 Western Avenue
Marlboro, New York 12542
SBL #108.12-2-41

-----X

DATE: November 14, 2024

TIME: 6:07 P.M.

PLACE: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS:

JEFF MEKEEL, CHAIRMAN
GEORGE SALINOVICH
ANDREW NIKOLA
LARRY BARTOLOTTI
LENNY CONN, Absent

ALSO PRESENT:

JOSH INDORF
JEN FLYNN, Zoning Board
Secretary

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LISA MARIE ROSSO
140 Mahoney Road
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1 **JERRICO HOLDINGS - WORKSHOP**

2 CHAIRMAN MEKEEL: Jumping over to
3 Jerrico Holdings, which is an area
4 variance. You want to --

5 MR. INDORF: So, basically, we
6 bought property on Western Avenue.
7 It's one story with a full basement. I
8 believe Tom Corcoran talked to you
9 about this. Basically, saying that we
10 can put a residential overtop of a
11 commercial, but not a residential
12 underneath a commercial. And that's
13 what we're looking to do, being that,
14 if we were to put it overtop, then it
15 doesn't really work.

16 CHAIRMAN MEKEEL: Right. Okay. I
17 do know the project. Do you know the
18 project?

19 MR. SALINOVICH: No.

20 CHAIRMAN MEKEEL: It's the house
21 directly across the street from the
22 Marlboro Market. Is it the second
23 house up?

24 MR. INDORF: It's the white one,
25 it's right up the street.

1 **JERRICO HOLDINGS - WORKSHOP**

2 MR. NIKOLA: Before the art store.

3 MR. INDORF: I'm sorry?

4 CHAIRMAN MEKEEL: Before the art
5 store. It has always been residential.

6 MR. INDORF: It has always been
7 residential. But it's in the C-1
8 district now. It's been vacant for
9 eight years.

10 CHAIRMAN MEKEEL: Right. So C-1
11 residential is supposed to be over
12 commercial. But in this situation, he
13 wants to make the first floor
14 commercial, but make the basement
15 residential. He just wants to flip it
16 around.

17 MR. INDORF: I wanted to do two
18 residential units, but being that it's
19 C-1, I have to go commercial, which is
20 fine by me.

21 CHAIRMAN MEKEEL: Right.

22 MR. BARTOLOTTI: What did Tommy
23 say about it?

24 CHAIRMAN MEKEEL: Tom said no
25 problem.

1 **JERRICO HOLDINGS - WORKSHOP**

2 MR. BARTOLOTTI: So, the first
3 floor is going to be commercial?

4 MR. INDORF: Yes, sir.

5 MR. BARTOLOTTI: And the basement
6 is going to be where the residential
7 is?

8 MR. INDORF: Yes, sir.

9 CHAIRMAN MEKEEL: So he's
10 following the intent of the town by C-1
11 district.

12 MR. SALINOVICH: Okay. Tommy
13 didn't have a problem?

14 MR. NIKOLA: No. Tom wrote in his
15 notes that he does not have a problem
16 to keep the commercial entity in the
17 hamlet as our master plan requests, and
18 this is a residential one-family home
19 at this time.

20 MR. SALINOVICH: Okay, I don't
21 have no problem.

22 MR. NIKOLA: You're just planning
23 to move that front porch?

24 MR. INDORF: No.

25 MR. NIKOLA: No? So, looking at

1 **JERRICO HOLDINGS - WORKSHOP**

2 what our building and code enforcer
3 said, the construction plan should
4 include the removal of the enclosed
5 front porch, and a reconstruction of it
6 to be entirely within the property line
7 within the proper setbacks.

8 MR. INDORF: So, I had that
9 conversation with Tom and he said that
10 he wasn't -- he said it's a preexisting
11 condition and he didn't have a problem.
12 But if that is what has to be, then
13 that is what it has to be.

14 MR. NIKOLA: I would confirm that
15 with him. He wrote this on October
16 16th.

17 MR. INDORF: Yeah, okay. It was
18 all around that area. I was under the
19 impression we were leaving it like
20 that.

21 CHAIRMAN MEKEEL: Is the front
22 porch encroaching on the setback?

23 MR. NIKOLA: The setback is
24 5 feet, so it must need a variance in
25 that regard.

1 **JERRICO HOLDINGS - WORKSHOP**

2 CHAIRMAN MEKEEL: Right. So, that
3 would require another variance if you
4 do not meet the front setback.

5 MR. INDORF: It doesn't meet it.
6 It's existing. It's there.

7 MR. NIKOLA: It looks like 2.6
8 feet.

9 MR. INDORF: It actually goes past
10 the property line.

11 MR. NIKOLA: It does. Looking at
12 this, the front left corner is
13 2.6 feet. If he removed the enclosed
14 porch as Tommy suggested, that will get
15 you the C-1 of 5'9, 5 foot. So, if you
16 had a conversation with Tommy, that is
17 fine. We don't want you to keep coming
18 in front of us. I would confirm it
19 before you dive in full deep into it.

20 MR. INDORF: Fair enough.

21 MR. NIKOLA: Because you will be
22 back in front of us with a public
23 hearing so you will need to get that
24 information.

25 CHAIRMAN MEKEEL: What is the

1 **JERRICO HOLDINGS - WORKSHOP**

2 variance request?

3 MR. NIKOLA: This talks about the
4 reverse of the property. The dwelling
5 unit over the ground floor commercial,
6 flip-flopping is what the application
7 says.

8 CHAIRMAN MEKEEL: So, the choice
9 is I think the board moves forward with
10 the public hearing if you're going to
11 do the flip-flop.

12 MR. INDORF: Yes.

13 CHAIRMAN MEKEEL: But if you're
14 intending on keeping that front porch,
15 you would have to come back again and
16 redo your variance to include front
17 yard setback.

18 MR. INDORF: So, should I have
19 that conversation with Tom?

20 CHAIRMAN MEKEEL: The problem is
21 we have to -- that will take -- it's
22 going to have to be another month and
23 you will have to come back next month
24 to do the same thing again if you
25 decide to keep the front porch because

1 **JERRICO HOLDINGS - WORKSHOP**

2 you would have to add that to your
3 variance request.

4 MR. INDORF: You're saying you
5 would pass me today if I took the front
6 porch down?

7 MR. BARTOLOTTI: Well, what he is
8 saying right now is the property line,
9 he wants it moved even if you're going
10 to reconstruct it. That is his
11 recommendation to us.

12 CHAIRMAN MEKEEL: Right.

13 MR. INDORF: That is Tom's
14 recommendation?

15 MR. BARTOLOTTI: Yeah.

16 MR. INDORF: Then that is what
17 we're going to do.

18 MR. NIKOLA: Just because, like
19 you said, the front corner is over the
20 property line. He wants to clean that
21 up before everything gets approved so
22 we don't set a precedent. We want to
23 make sure we're following the town
24 code. So, if you clean it up and
25 remove the front porch, the

JERRICO HOLDINGS - WORKSHOP

1
2 reconstruction of it has to be within
3 the property lines and within proper
4 setbacks, which is five feet in the C-1
5 district.

6 MR. INDORF: I think my foundation
7 is actually into that also. The porch
8 has a basement underneath it. It's a
9 concrete porch.

10 MR. NIKOLA: That is a hardship
11 that would come in front of us anyway
12 to give you a variance.

13 CHAIRMAN MEKEEL: Correct, that's
14 right.

15 MR. NIKOLA: So, that is something
16 that we can work with. But I would
17 definitely have that conversation with
18 Tommy -- this driveway, it should be
19 fine.

20 CHAIRMAN MEKEEL: Does the
21 addition sit on the foundation in that
22 front corner?

23 MR. INDORF: I don't think it's an
24 issue.

25 CHAIRMAN MEKEEL: You want to look

1 **JERRICO HOLDINGS - WORKSHOP**

2 at the prints?

3 MR. INDORF: Yeah, sure.

4 CHAIRMAN MEKEEL: So that's what
5 we're looking at.

6 MR. NIKOLA: That is the property
7 line, 2.6 over and the 3.3, so when
8 Tommy says the C-1 district requires a
9 5-foot setback.

10 MR. INDORF: I understand.

11 MR. NIKOLA: So, that is why I
12 think his recommendation was to remove
13 the enclosed porch. And then, you
14 know, put something up, I don't know,
15 that is up to you, but from there, that
16 would give you enough of your C-1
17 setback of 5 feet. If this is your
18 whole foundation, then we would have to
19 try to give a variance for that.

20 CHAIRMAN MEKEEL: Yeah, for sure,
21 because you can't take the foundation
22 back.

23 MR. INDORF: So, all I'm saying is
24 it's a concrete porch, and has a full
25 foundation. That much I know.

1 **JERRICO HOLDINGS - WORKSHOP**

2 MR. BARTOLOTTI: Underneath of it?

3 MR. INDORF: Yes, sir.

4 CHAIRMAN MEKEEL: So, that
5 foundation is part of the main
6 foundation of the house?

7 MR. INDORF: That's correct. So,
8 he may not have known that, because he
9 never met me on the job, and that is
10 the first I had a conversation with
11 him.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 CHAIRMAN MEKEEL: Sit down with
15 Tom Corcoran. Explain the situation
16 how your foundation encroaches onto the
17 town property; okay?

18 MR. INDORF: Yes.

19 CHAIRMAN MEKEEL: He will probably
20 reach out to one of us or all of us for
21 an explanation, and you're going to
22 need the setback variance, and you're
23 also going to need a letter from the
24 Town.

25 MR. INDORF: So, will he know the

1 **JERRICO HOLDINGS - WORKSHOP**

2 people to contact in the Town for that
3 as well?

4 CHAIRMAN MEKEEL: Yes.

5 MR. INDORF: So, I got to go to
6 Tom next?

7 MR. NIKOLA: Yes.

8 MR. BARTOLOTTI: Just for
9 clarification so you know what
10 direction you need to go in, and us.

11 MR. FLYNN: And maybe he will
12 write you another letter.

13 MR. NIKOLA: He will send another
14 one to us, and it will say number one
15 is no problem, number two is good and
16 you will need a variance of whatever.

17 MR. INDORF: And then we can go
18 for a variance on December 2nd, or is
19 that too soon?

20 CHAIRMAN MEKEEL: You will come to
21 the next meeting, and then we'll
22 approve it. Let's say everything is
23 good, we approve it, and then we go to
24 the public hearing in January.

25 MR. INDORF: And then we're good?

1 **JERRICO HOLDINGS - WORKSHOP**

2 CHAIRMAN MEKEEL: Then we should
3 be good.

4 MR. BARTOLOTTI: Good.

5 CHAIRMAN MEKEEL: Off the record.

6 (Whereupon, an off-the-record
7 discussion was held.)

8 MR. INDORF: Thank you. Nice
9 meeting you.

10 (Whereupon, at 6:30 P.M., the
11 Hearing was adjourned.)

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JERRICO HOLDINGS - WORKSHOP**C E R T I F I C A T E**

STATE OF NEW YORK)
 : SS.:
COUNTY OF ULSTER)

I, LISA M. ROSSO, a Notary Public for
and within the State of New York, do hereby
certify:

That I was authorized to and did
stenographically report the foregoing
proceedings, and that the transcript is a
true record.

I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 5th day of December 2024.

LISA M. ROSSO

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH ZONING BOARD

-----X

In the Matter of

MICHAEL DiVIESTI - WORKSHOP
6-8 DiViesti Drive
Marlboro, New York 12542
SBL #108.4-7-14

-----X

DATE: November 14, 2024

TIME: 6:30 P.M.

PLACE: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS:

JEFF MEKEEL, CHAIRMAN
GEORGE SALINOVICH, Absent
ANDREW NIKOLA
LARRY BARTOLOTTI
LENNY CONN, Absent

ALSO PRESENT:

JEN FLYNN, Zoning Board
Secretary

-----X

LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
(845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 MR. NIKOLA: Town of Marlborough
3 Zoning Board of Appeals. Legal notice.
4 Please take notice that a public
5 hearing will be held by the Town of
6 Marlborough Zoning Board of Appeals
7 further known as ZBA at the Town Hall,
8 #21 Milton Turnpike, Milton, New York,
9 on November 14th, 2024, at 6:00 P.M. or
10 soon thereafter as may be heard. The
11 owner applicant Michael DiViesti is
12 seeking relief from Town of
13 Marlborough, Code 155, Attachment 2,
14 Schedule 1, by way of a 145.55-foot
15 front yard setback area variance.
16 Location: 6-8 DiViesti Drive,
17 Marlboro, New York 12542. Tax parcel:
18 Section 108.44. Block 7. Lot 14. Any
19 interested parties, either for or
20 against this application, will have the
21 opportunity to be heard at this time.
22 Lenny Conn, Chairman, Town of
23 Marlborough Zoning Board of Appeals.
24 CHAIRMAN MEKEEL: Mr. DiViesti is
25 not here tonight, so we will hold over

1 MICHAEL DiVIESTI - PUBLIC HEARING
2 the public hearing until the December
3 meeting. So, we will push Mr. DiViesti
4 until December.

5 MR. FLYNN: We can do your
6 training.

7 CHAIRMAN MEKEEL: Mr. Mekeel has
8 done his four-hour training for the
9 year.

10 MR. FLYNN: What is it for?

11 CHAIRMAN MEKEEL: It is one hour
12 for short-term rentals, one hour for
13 regulated short term rentals in your
14 jurisdiction, one hour for use of
15 accessory dwelling units to respond to
16 change housing needs, and one hour for
17 planning, zoning, and land use 101.

18 MR. NIKOLA: I will make a motion
19 to adjourn.

20 MR. BARTOLOTTI: I will second.

21 CHAIRMAN MEKEEL: All for it?

22 MR. SALINOVICH: Aye.

23 MR. BARTOLOTTI: Aye.

24 MR. NIKOLA: Aye.

25 CHAIRMAN MEKEEL: And aye.

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 (Whereupon, at 6:37 P.M., the
3 Hearing was adjourned.)

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MICHAEL DiVIESTI - PUBLIC HEARING

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ULSTER)

I, LISA M. ROSSO, a Notary Public for
and within the State of New York, do hereby
certify:

That I was authorized to and did
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proceedings, and that the transcript is a
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I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 7th day of December 2024.

LISA M. ROSSO